

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KATHY ANDERSON STARK,

Plaintiff,

CASE NO. 1:13-CV-785

v.

HON. ROBERT J. JONKER

MARK C. KLUNGLE, and
JAMES L. KLUNGLE,

Defendants.

/

ORDER TO SHOW CAUSE

This matter is before the Court on James Klungle's Notice of Removal (doc. # 1). Klungle invoke the Court's removal and diversity jurisdiction, but the record suggests the presence of at least one local defendant. Specifically, Plaintiff's state court Complaint (doc. # 3-2) and Defendants' Notice of Removal (doc. # 1) both recognize that Mark Klungle, a named defendant in this case, is a Michigan resident. Ordinarily, the presence of a local defendant bars removal where, as here, the only asserted basis for federal subject matter jurisdiction is diversity of citizenship. 28 U.S.C. § 1441(b) ("Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought."); see also *Chase Manhattan Mortg. Co. v. Smith*, 507 F.3d 910, 914 (6th Cir. 2007).

Accordingly, **IT IS ORDERED** that Defendants shall show cause no later than August 15, 2013 why this action should not be remanded for lack of subject matter jurisdiction.

DATED: July 30, 2013

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE